

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert D. Bjornson et al.

Serial No. 10/7000,071 Examiner: Uyen T. Le

Confirmation No. 3728

Filed: November 3, 2003 Group Art Unit: 2163

For: METHOD AND APPARATUS FOR HIGH-PERFORMANCE  
SEQUENCE COMPARISON

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION

The undersigned attorney of record for Langtree Assets, LLC assignee of the entire right, title and of the above described U.S. patent application no.10/700,071, filed November 3, 2003 for METHOD AND APPARATUS FOR HIGH-PERFORMANCE SEQUENCE COMPARISON, by assignment recorded in Reel 019605, Frames 0902, on July 26, 2007, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,691,109 as the term of said prior patent as defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally

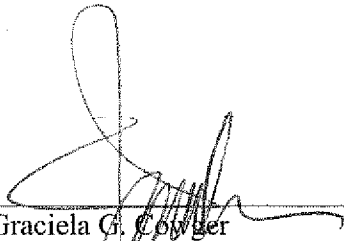
disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

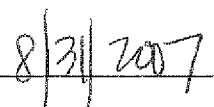
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney of record for the instant application.

Attached is the fee prescribed under 37 CFR 1.20(d).

Customer No. 73552

  
\_\_\_\_\_  
Graciela G. Cowger  
Registration No. 42,444

  
\_\_\_\_\_  
Date

STOLOWITZ FORD COWGER LLP  
621 SW Morrison Street, Suite 600  
Portland, Oregon 97205  
(503) 706-4522